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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: June *et al.* Art Unit: 1633
Serial No.: 10/658,787 Examiner: Maria Gomez Leavitt
Date Filed: September 9, 2003 Conf. No.: 1823
Docket No.: 36119.140US2 Cust. No.: 49598
Title: **Methods for Transfecting T Cells**

CERTIFICATION UNDER 37 C.F.R. § 1.10

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

This paper is being submitted in response to the *Notice of Allowability* mailed *March 2, 2006*, and the *Interview Summary* mailed *March 10, 2006*, in connection with the above-referenced application.

Applicants respectfully note that the Notice of Allowability makes the following inaccurate statements:

- (i) At page 2, first sentence, the date of the Applicant's amended claims should be 01-19-2006, not 01-19-2005;
- (ii) At page 2, the section entitled "Terminal Disclaimer" should indicate that Applicants filed a Terminal Disclaimer over U.S. Patent No. 6,692,964, not U.S. Appl. No. 10/658,787;

(iii) At page 3, it is stated that the rejection under 35 U.S.C. § 112, first paragraph, has been obviated in view of Declarations filed under 37 C.F.R. § 1.132 on 01-19-2006; however, no Declarations were filed in this application on 01-19-2006; and

(iv) At page 3, it is incorrectly stated that the authors Nabel *et al.* should replace June *et al.* in the Office Action of 10-20-2005, at page 12, line 7; however, the reverse is true.

Applicants' representatives brought the errors described above to the attention of Examiner Maria Leavitt during a telephonic Examiner's Interview on March 8, 2006. The Examiner acknowledged these errors and indicated that she would correct them by preparing an Interview Summary. In addition, Applicants' representatives noted that an Information Disclosure Statement (IDS) filed February 9, 2006 had not been initialed and returned with the Notice of Allowability. The Examiner indicated that the IDS was inadvertently omitted from the papers sent with the Notice of Allowability, and that she would forward the initialed document with the Interview Summary. Finally, Applicants' representatives inquired why the Guba *et al.* reference, which was submitted with the Supplemental IDS of December 16, 2005 (Cite CF), had been crossed out. The Examiner indicated that she did not remember seeing this reference in the file, but offered to search the file of the above-referenced application for this reference.

Applicants thank the Examiner for her time and efforts with respect to correcting the inaccuracies relating to the instant application. Applicants acknowledge the corrections to the Notice of Allowability made in the Examiner's Interview Summary and the initialed IDS of February 9, 2006.

However, Applicants note that the Interview Summary still inaccurately notes at page 3, section 3, that

On page 3, paragraph 2, the rejections of [sic] under 112, first paragraph were overcome by a declaration filed on 01-19-2006, and not a declaration under 35 [sic] C.F.R. 1.132.

Applicants respectfully note that no Declarations were filed to overcome the rejections under 35 U.S.C. § 112, first paragraph on 01-19-2006. Rather, Applicants

presented arguments based on the disclosure of the application-as-filed to overcome these rejections (*see*, Response to Office Action of October 20, 2005, pages 12-16).


Finally, with respect to the Guba *et al.* reference, Applicants note that this reference was cited in the International Search Report of the corresponding PCT application as an "A" reference, *i.e.*, a "document defining the general state of the art which is not considered to be of particular relevance." Although Applicants aver that this reference does not impact the patentability of the instant claims, Applicants respectfully request that if the Examiner has reviewed the contents of the instant application's file and found that she had actually considered this reference, that the Examiner include this reference under the "References Cited" section of the patent to issue on this application. In this context, Applicants note that the parent of the instant application, which issued as U.S. Patent No. 6,692,964, includes Guba *et al.*, among the "References Cited" on the face of the patent.

No fees are believed to be due in connection with this filing; however, if any fees are due, please charge our Deposit Account No. 08-0219.

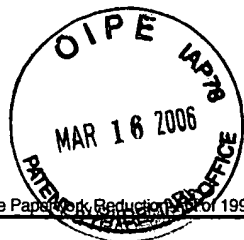
If a telephonic interview would be helpful, the Examiner is invited to call the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: March 16, 2006


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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/658787-Conf. #1823	
	Filing Date	September 9, 2003	
	First Named Inventor	Carl H. JUNE	
	Art Unit	1633	
	Examiner Name	M. Leavitt	
Total Number of Pages in This Submission	4	Attorney Docket Number	0036119.00140US2

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Comments on Statement of Reasons for Allowance - Return Post Card
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WILMER CUTLER PICKERING HALE AND DORR LLP		
Signature	<i>Colleen Superko</i>		
Printed name	Colleen Superko		
Date	March 16, 2006	Reg. No.	39,850

Express Mail Label No. EV823316835US Dated: March 16, 2006 *Rochelle Capobianco* (Rochelle Capobianco)